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7590 11/16/2004	EXAMINER
HEWLETT-PACKARD COMPANY	LETT, THOMAS J

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Intellectual Property Administration
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Fort Collins, CO 80527-2400

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 April 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on <u>24 April 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>none</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because element 510 contains an error in spelling of the term "service". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 2, 17, and 20 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 2 recites the limitation "the group" in line 2. There is insufficient

antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the group" in line 2. There is insufficient

antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the group" in line 2. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1, 2, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated

by Morag (US Patent 6,324,545 B1).

Regarding claim 1, Morag discloses images acquired by a customer using

devices including digital cameras, scanners, and video-frame grabbers (col 5, lines 48-

53), which reads on capturing an image by at least one imaging appliance; and

the acquired images are preferably transmitted to the service provider by digital

means for processing over the internet (col 6, lines 7-9), which reads on initiating by

said at least one imaging appliance a transaction session with an image processing

service provider coupled to said at least one imaging appliance via a network for

effectuating one of an image push operation whereby said image is transmitted to said

image processing service provider for processing in a select manner by a host

processing engine co-located thereat, and

software for performing actions can be downloaded from the service provider,

when needed (col 6, lines 30-32), which reads on a pull operation whereby said host

processing engine is downloaded for locally processing said image in said select

manner.

With respect to claim 2, Morag discloses that acquired images are preferably

transmitted to the service provider by digital means (col 6, lines 7-9), which reads on at

least one imaging appliance is selected from the group consisting of a digital camera, a

scanner, a hand-held Optical Character Recognition (OCR) reader, a camcorder, and a

device using a predetermined portion of the electro-magnetic spectrum for image

capture.

With respect to claim 8, Morag discloses processing at least one of said images

by a service provider (col 4, lines 44-45), which reads on generating a transformed

image by said image processing service provider after processing said image in said

select manner.

With respect to claim 12, Morag discloses software is downloaded from the service provider for image processing actions, when needed (col 6, lines 31-32), which reads on generating a transformed image by said at least one imaging appliance after processing said image in said select manner by using said host processing engine downloaded from said image processing service provider.

4.   Claims 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yan et al (US Patent 6,003,065).

Regarding claim 19, Yan discloses an image peripheral network system containing JAVA functions and sequences (see Appendix 1), which reads on a computer-readable medium carrying a sequence of instructions which, when executed by a processing subsystem associated with said imaging appliance, causes the following steps to be performed: if said imaging appliance does not include a local processing engine capable of processing an image captured by said imaging appliance in a select manner, initiating by said imaging appliance a transaction session with an image processing service provider coupled to said at least one imaging appliance via said network; and

the network suitable for bi-directional transmission of data and image processing from the host computer to the network (col. 5, lines 53-54), which reads on effectuating one of an image push operation whereby said image is transmitted to said image processing service provider for processing in said select manner by a host processing engine co-located thereat and

applications developed using systems of the present invention also facilitate peripheral devices which are self-configuring and capable of performing automatic upgrading/updating (col. 23, lines 47-50), which reads on a pull operation whereby said host processing engine is downloaded for locally processing said image by said imaging appliance in said select manner.

With respect to claim 20, Yan et al discloses a determination mechanism typically embedded in the application which queries the peripheral database (which includes imaging devices Fig. 1) based upon a predetermined criteria and selects which peripheral device should execute the application (col. 5, lines 60-64), which reads on at least one imaging appliance is selected from the group consisting of a digital camera, a scanner, a hand-held Optical Character Recognition (OCR) reader, a camcorder, and a device using a predetermined portion of the electro-magnetic spectrum for image capture.

With respect to claim 21, Yan et al discloses an ImageTranslate() function that can be provided by a peripheral(host computer or other devices) (col 12, line 41), which reads on a host processing engine comprises at least one of an image compression algorithm, an image decompression algorithm, an image translation algorithm, an image transformation algorithm and an image formatting algorithm.

With respect to claim 22, Yan et al discloses an image peripheral network system containing JAVA functions and software for performing actions can be downloaded from the service provider, when needed (col 6, lines 30-32), which reads on including an additional sequence of instructions executable on said processing system for

performing the step of generating a transformed image by said at least one imaging

appliance after processing said image in said select manner by using said host

processing engine downloaded from said image processing service provider.

With respect to claim 23, Yan et al discloses that a user should then be able to

display this image on a screen, print the image out on a printer, or deliver the image to a

host computer (col 3, lines 18-20), which reads on including an additional sequence of

instructions executable on said processing system for performing the step of

transmitting said transformed image to a third-party node disposed on said network.

With respect to claim 24, Yan et al discloses that users should be able to use a

wide range of peripheral devices and distribute processing over an intranet or the

Internet to the peripheral devices most appropriate for the application (col 5, lines 10-

13). Yan et al further mentions that the internet/intranet access would be used by

companies. Examiner notes that it is obvious that companies would use broadband

transmission.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morag (US Patent 6,324,545 B1) in view of Kopet et al (US Patent 5,699,460 A).

With respect to claim 3, Morag does not disclose that a host processing engine comprises an image compression algorithm. Kopet et al discloses in Fig. 2, a FIG. 2 shows the basic configuration of a video compression system for the JPEG, H.261, and MPEG standards which incorporates an image compression/decompression processor 410 in a single chip (col 4, lines 58-61). Morag and Kopet et al are analogous art because they are from the similar problem solving area of image compression. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the coprocessor feature of Kopet et al to the engine of Morag in order to obtain compression of image data. The motivation for doing so would be to allow an image service provider the ability to alter image information.

With respect to claim 4, Morag does not disclose that a host processing engine comprises an image decompression algorithm. Kopet et al discloses in Fig. 2, a FIG. 2 shows the basic configuration of a video compression system for the JPEG, H.261, and MPEG standards which incorporates an image compression/decompression processor 410 in a single chip (col 4, lines 58-61). Morag and Kopet et al are analogous art because they are from the similar problem solving area of image decompression. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the coprocessor feature of Kopet et al to the engine of Morag in order to obtain decompression of image data. The motivation for doing so would be to allow an image service provider the ability to alter image information.

6.   Claim 5-8, 9-11, and 13-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Morag (US Patent 6,324,545 B1) in view of Yan et al (US Patent

6,003,065).

With respect to claim 5, Morag does not disclose that a host processing engine

comprises an image formatting algorithm. Yan et al discloses that images come in

many compression and encoding formats such as GIF, TIFF, JPEG, HTML, or Adobe

Acrobat. In one embodiment, several system calls allow the peripheral device(host

computer or other devices) to convert between these different compression and

encoding formats (col 12, lines 9-13). Morag and Yan et al are analogous art because

they are from the similar problem solving area of image formatting. At the time of the

invention, it would have been obvious to a person of ordinary skill in the art to add the

virtual processor of Yan et al to the engine of Morag in order to obtain formatting of

image data. The motivation for doing so would be to allow an image service provider

the ability to alter image information.

With respect to claim 6, Morag does not disclose that a host processing engine

comprises an image translation algorithm. Yan et al discloses an ImageTranslate()

function that can be provided by a peripheral(host computer or other devices) (col 12,

line 41). Morag and Yan et al are analogous art because they are from the similar

problem solving area of image transformation. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to add the image translation

feature of Yan et al to the engine of Morag in order to obtain displacement of image

data. The motivation for doing so would be to allow an image service provider the ability to alter image information.

With respect to claim 7, Morag does not disclose that a host processing engine comprises an image transformation algorithm. Yan et al discloses a Transform() matrix function that can be provided by a peripheral(host computer or other devices) (col 14, line 55). Morag and Yan et al are analogous art because they are from the similar problem solving area of image transformation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the image transformation feature of Yan et al to the engine of Morag in order to obtain mapping of image data. The motivation for doing so would be to allow an image service provider the ability to alter image information.

With respect to claim 9, Morag does not disclose transmitting said transformed image directly to a third-party node disposed on said network. Yan et al discloses that a user should then be able to display this image on a screen, print the image out on a printer, or deliver the image to a host computer (col 3, lines 18-20). Morag and Yan et al are analogous art because they are from the similar problem solving area of image processing and delivery. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network transfer feature of Yan et al to the system of Morag in order to obtain a system capable of network delivery of information. The motivation for doing so would be to allow an image service provider (or user) the ability to route/deliver image information.

With respect to claim 10, Morag does not disclose transmitting said transformed image is effectuated via broadband transmission. Yan et al discloses that users should be able to use a wide range of peripheral devices and distribute processing over an intranet or the Internet to the peripheral devices most appropriate for the application (col 5, lines 10-13). Yan et al further mentions that the internet/intranet access would be used by companies. Examiner notes that it is obvious that companies would use broadband transmission. Morag and Yan et al are analogous art because they are from the similar problem solving area of image processing and network delivery. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the broadband feature of Yan et al to the system of Morag in order to obtain a system capable of delivering information via broadband. The motivation for doing so would be to allow an image service provider (or user) the ability to route/deliver image information.

With respect to claim 11, Morag does not disclose retrieving said transformed image by said at least one imaging appliance. Yan et al discloses that virtual machine instructions can retrieve data or write data to secondary storage 218, host computer 102A (FIG. 1), or other peripheral devices coupled to network 100 (FIG. 1). Morag and Yan et al are analogous art because they are from the similar problem solving area of image retrieval. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the retrieval feature of Yan et al to the system of Morag in order to obtain a system capable of retrieving image information. The motivation for

doing so would be to allow an imaging device the ability to route/deliver image information.

With respect to claim 13, Morag does not disclose transmitting said transformed image to a third-party node disposed on said network. Yan et al discloses that a user should then be able to display this image on a screen, print the image out on a printer, or deliver the image to a host computer (col 3, lines 18-20). Morag and Yan et al are analogous art because they are from the similar problem solving area of image processing and delivery. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network transfer feature of Yan et al to the system of Morag in order to obtain a system capable of network delivery of information. The motivation for doing so would be to allow an image service provider (or user) the ability to route/deliver image information.

With respect to claim 14, Morag does not disclose transmitting said transformed image is effectuated via broadband transmission. Yan et al discloses that users should be able to use a wide range of peripheral devices and distribute processing over an intranet or the Internet to the peripheral devices most appropriate for the application (col 5, lines 10-13). Yan et al further mentions that the internet/intranet access would be used by companies. Examiner notes that it is obvious that companies would use broadband transmission. Morag and Yan et al are analogous art because they are from the similar problem solving area of image processing and network delivery. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the broadband feature of Yan et al to the system of Morag in order to obtain a system

capable of delivering information via broadband. The motivation for doing so would be to allow an image service provider (or user) the ability to route/deliver image information.

Regarding claim 15, Morag discloses images acquired by a customer using devices including digital cameras, scanners, and video-frame grabbers (col 5, lines 48-53), which reads on means for capturing an image by at least one imaging appliance;

the acquired images are preferably transmitted to the service provider by digital means for processing over the internet (col 6, lines 7-9), which reads on means for initiating by said at least one imaging appliance a transaction session with an image processing service provider coupled to said at least one imaging appliance via a network; and

the acquired images are preferably transmitted to the service provider by digital means for processing over the internet (col 6, lines 7-9), means for effectuating one of an image push operation whereby said image is transmitted to said image processing service provider for processing in a select manner by a host processing engine co-located thereat and

software for performing actions can be downloaded from the service provider, when needed (col 6, lines 30-32), which reads on a pull operation whereby said host processing engine is downloaded for locally processing said image in said select manner.

With respect to claim 16, Morag does not disclose a means for determining whether said at least one imaging appliance includes a local processing engine capable

of processing said image in said select manner. Yan et al discloses a "Query" set of functions that allow the application running on the host computer to determine the capabilities of the peripheral device (col 15, lines 3-6). Morag and Yan et al are analogous art because they are from the similar problem solving area of determining image processing capability. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the query feature of Yan et al to the system of Morag in order to obtain a system capable of determining device capability. The motivation for doing so would be to allow an image service provider (or user) the ability determine the functions of the imaging device.

With respect to claim 17, Yan et al discloses a determination mechanism typically embedded in the application which queries the peripheral database (which includes imaging devices Fig. 1) based upon a predetermined criteria and selects which peripheral device should execute the application (col. 5, lines 60-64), which reads on at least one imaging appliance is selected from the group consisting of a digital camera, a scanner, a hand-held Optical Character Recognition (OCR) reader, a camcorder, and a device using a predetermined portion of the electro-magnetic spectrum for image capture.

7.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morag (US Patent 6,324,545 B1) in view of Kopet et al (US Patent 5,699,460 A) as applied to claim 3 above, and further in view of Yan et al (US Patent 6,003,065). Kopet et al discloses in Fig. 2, a FIG. 2 shows the basic configuration of a video compression system for the JPEG, H.261, and MPEG standards which incorporates an image

compression/decompression processor 410 in a single chip (col 4, lines 58-61).

Further, Yan et al discloses that

(1) images come in many compression and encoding formats such as GIF, TIFF, JPEG, HTML, or Adobe Acrobat. In one embodiment, several system calls allow the peripheral device(host computer or other devices) to convert between these different compression and encoding formats (col 12, lines 9-13);

(2) an ImageTranslate() function that can be provided by a peripheral(host computer or other devices) (col 12, line 41); and

(3) a Transform() matrix function that can be provided by a peripheral(host computer or other devices) (col 14, line 55).

Morag and Kopet al/Yan et al are analogous art because they are from the similar problem solving area of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the image processing features(formatting, translation, and transformation) of Kopet al/Yan et al to the engine of Morag in order to obtain altering of image data. The motivation for doing so would be to allow an image service provider the ability to alter image information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:
Crystal Park II
2121 Crystal Drive
Arlington, VA   Sixth Floor (Receptionist).

TJL

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER